IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIFTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 658 of 2005

Between:

N.Chandrakala, W/o.Narayana,
Gollavaripalli Harizanawada, Vathalur post, Pullampet

Mandal, Kadapa District.

..... PETITIONER

AND

1 The Joint Collector Civil Supplies, Kadapa.
2 The Revenue Divisional officer, Rajampet, Kadapa District.
3 The Mandal Revenue officer, Pullampet Mandal, Kadapa District.
4 J.subrahmanyam, S/o.Chinnaiah,
R/o.Gollavaripalli Harizanawada, Vathlaur post, Pullampet

Mandal, Kadapa District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, particularly more in the nature of a writ of Mandamus or any other appropriate writ, direction, order or orders declaring the action of the 1st respondent in his proceedings Ref.No.1(3)/3381/2004 dated 09-12-2004 in rejecting the stay oft he 2nd respondents proceedings in Ref.No.D/686/ 2002, dated 27-09-2004 in canceling the F.P.Shop dealer vide proceedings in Ref.No.D/735/98, dated 28-10-2004 by the 2nd respondent as wholly arbitrary, illegal and without jurisdiction and void: and consequently direct the respondents 1 to 3 to restore the F.P shop dealership authorization to the petitioner and pass such other and further orders.

Counsel for the Petitioner:MR.V.ESWARAIAH CHOWDARY

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court, at the stage of admission, made the following :

ORDER:

The authorization of the petitioner as fair price shop dealer was cancelled by the 2nd respondent through his order, dated 27.09.2004. Aggrieved thereby, petitioner preferred an appeal before the 1st respondent together with an application for stay. Through his order, dated 09.12.2004, the 1st respondent rejected the application for stay. In the meanwhile, the 2nd respondent appointed the 4th respondent as dealer on regular basis. Petitioner challenges the action of the respondents in rejecting the application for stay as well as appointing 4th respondent as dealer.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

Petitioner was issued a show cause notice framing certain charges. She was directed to submit explanation as to why the authorization shall not be cancelled. After receiving the explanation of the petitioner, the 2nd respondent passed a detailed order cancelling the authorization. Aggrieved by the same, petitioner preferred an appeal before the 1st respondent along with an application for stay. Once the authorization of the petitioner is cancelled after conducting a detailed enquiry, it is rather impermissible to permit her to continue as dealer. No exception can be taken to the order, dated 09.12.2004, passed by the 1st respondent rejecting the application for stay.

Normally, the appointment of dealers after cancellation of authorization of an existing dealer is taken up after the appeal preferred against such orders are disposed of. In the present case, the 2nd respondent has proceeded to appoint a dealer in the place of the petitioner. No illegality, as such, can be said to have taken place. However, it goes without saying that the appointment of the 4th respondent shall be subject to the outcome of the appeal preferred by the petitioner.

Hence, the writ petition is disposed of directing the 1st respondent to pass appropriate orders in the appeal preferred by the petitioner, within a period of six weeks from the date of receipt of a copy of this order, and that the appointment of the 4th respondent shall be subject to the orders, that maybe passed by the 1st respondent in the appeal. No order as to costs.

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(L.NARASIMHA REDDY,J)

Date: 25-01-2005

Note: Office to issue c.c.

in three days.

(B/o.)

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To

1 The Joint Collector Civil Supplies, Kadapa.
2 The Revenue Divisional officer, Rajampet, Kadapa District.
3 The Mandal Revenue officer, Pullampet Mandal, Kadapa District.
4 2CCs to the Government Pleader for Civil Supplies, High Court of A.P., Hyderabad. (OUT)

5 2CD copies

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